

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CURTIS J. DURDEN, JR.,

Plaintiff,

v.

SAN FRANCISCO SHERIFF'S  
DEPT., MICHAEL HENNESSY,  
SHERIFF, CITY AND COUNTY OF  
SAN FRANCISCO AND  
ARAMARK CATERING,

Defendants.

No. C 08-1128 TEH (PR)

ORDER OF DISMISSAL

On February 25, 2008, Plaintiff filed a pro se civil rights complaint. On October 9, 2008, the Court dismissed the complaint with leave to file an amended complaint within thirty days and granted Plaintiff's application to proceed in forma pauperis. On October 15, 2008, a copy of the orders addressed to Plaintiff at the address he provided was returned to the Court as undeliverable. The Court also received a letter from the San Francisco Sheriff's Department dated October 9, 2008, which specified that Plaintiff was no longer at the jail and was last in custody there on July 9, 2008. Since then, Plaintiff has not provided a current address to the Court, nor has he filed anything further with the Court.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The Court may,


1 without prejudice, dismiss an action when: (1) mail directed to the pro se party by  
2 the Court has been returned to the Court as not deliverable, and (2) the Court fails  
3 to receive within sixty days of this return a written communication from the pro  
4 se party indicating a current address. See L.R. 3-11(b).

5 More than sixty days have passed since the mail directed to Plaintiff by  
6 the Court was returned as undeliverable. The Court has not received a notice  
7 from Petitioner of a new address.

8 Accordingly, the complaint is DISMISSED without prejudice for failure to  
9 prosecute pursuant to Fed. R. Civ. Proc. 41(b) and failure to comply with Local  
10 Rule 3-11. The Clerk of the Court shall enter judgment in accordance with this  
11 Order and close the file.

12 SO ORDERED.

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14 DATED: 01/26/09

  
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THELTON E. HENDERSON  
United States District Judge